REMARKS

In this response, no claims have been amended, canceled, or added. Thus, claims 1-32, 34-63, and 65-111 remain pending in this application. The final Office Action issued by the Examiner has been carefully considered by Applicant.

Applicant is appreciative of the indication of allowable subject matter.

Claims 1-3, 11-12, 14, 16, 18, 21, 28-30, 32, 33, 36, 42-47, 50-53, 55-61, 80-83, 92 and 94-111 have been rejected under 35 U.S.C. 103(a) as being unpatentable by Clare et al. (U.S. Patent No. 6,414,955) (hereinafter Clare) in view of Payton et al. (U.S. Patent No. 6,580,979) (cited by Examiner in previous Office Action) (hereinafter Payton).

The Examiner has newly presented Payton as a secondary reference in this new obviousness rejection. However, the effective filing date of Applicant's application precedes the earliest possible effective date of Payton as a prior art reference. Payton claims priority to two provisional applications, each filed July 20, 2000. Thus, the earliest priority date for any teaching in Payton could at most be July 20, 2000.

Applicant's application claims priority to four provisional applications as follows:

US 60/158,013 filed 10/06/1999 (cited herein as '013)
US 60/170,865 filed 12/15/1999 (cited herein as '865)
US 60/208,397 filed 05/30/2000 (cited herein as '397)
US 60/210,296 filed 06/08/2000 (cited herein as '296)

These applications provide hundreds of pages of technical description that precedes the earliest possible July 20, 2000, priority date of Payton. In particular, support for several of Applicant's independent claims is now referenced below. The referenced support is not intended to be exhaustive, but rather exemplary. Additional support not referenced below is provided in other sections of these priority applications.

Exemplary Claim Support in Prior Provisional Applications

APPLICANT'S INDEPENDENT CLAIM NO.	PROVISIONAL APPLICATION SERIAL NO.	REFERENCED SUPPORT
Claim 1	'013	Figs. 8-11 pp. 11-14, 21-22, 26, 35, 38-39, and 84 Originally-filed provisional claim 1
	'397	Fig. 1
Claim 63	'013	Similar support as for claim 1
Claim 80	'013	Similar support as for claim 1 Additional support at pp. 15-16, 18, and 124-125
Claim 83	'013	Similar support as for claims 1 and 80
Claim 92	'013	Similar support as for claim 1 Additional support at pp. 16 and 22
Claim 95	'013	Similar support as for claim 1 Additional support at pp. 15-16, 18, 22, 26, and 119

| Claim 97 | '013 | Similar support as for claim 1

Additional support at pp. 74-75 and 88

Fig. 34 |

Thus, based on the support in the prior provisional applications above, Applicant requests that the rejection of independent claims 1, 63, 80, 83, 92, 95, and 97 be withdrawn.

Applicant's independent claim 101 recites that "code and data anticipated for future use are predistributed through the sensor network using low priority messages." The Examiner has stated that Clare does not disclose distributing code and data anticipated for future use through the sensor network using low priority messages. Payton similarly does not disclose this. Indeed, the Examiner relies upon another reference, Davis, in a later rejection of claim 101 below, which supports that Clare and Payton alone in this current rejection are inadequate to present a prima facie case.

Applicant's independent claim 103 recites that "the at least one node controls data processing and data transmission in response to a decision probability of a detected event." With regard to the rejection of claim 28, which has similar language, the Examiner references Clare (col. 15: lines 10-15) as teaching the foregoing recitation of claim 103. However, this section of Clare only describes the starting of certain processing on nodes in the network, such as sensing of activity in the environment or implementing instructions from a user (col. 15: lines 12-24). Clare does not teach or suggest a <u>probability</u> of a detected event, or the controlling of data processing and data transmission in response to this probability. **Further, the word "probability" does not even appear in the newly-cited reference Payton, and the Examiner has not presented any argument as to how**

a **"decision probability" is even suggested.** Therefore, claim 103 is believed allowable for this reason.

Applicant's independent claim 106 recites that "the plurality of network elements are self-assembled into a multi-cluster network, wherein a start node is selected as a base node, and wherein <u>the base node communicates an assembly packet throughout the network</u>" (emphasis added). Clare does not teach or even suggest self-assembly of a wireless network wherein a base node communicates an <u>assembly packet throughout the network</u> as recited by Applicant. **Further, the words "assembly" and "packet" are not even found in Payton, and the Examiner again has not argued how this is suggested.** Claim 106 is believed allowable for at least this reason.

Claims 4-10, 13, 17, 19, 25, 38-41, 48-49, 62-79, 84-85 and 90 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare-Payton in view of Myer et al. (U.S. Patent No. 6,615,088) (hereinafter Myer).

Based on the prior provisional application support discussed above, Applicant requests that the rejection here of independent claim 63 be withdrawn.

Applicant's independent claim 84 recites that "a plurality of levels of synchronization are <u>supported among different subsets of the plurality of network elements</u>" (emphasis added). As the Examiner has stated, **Clare and Payton do not disclose such supporting a plurality of levels of synchronization.**

The Examiner argues that Myer teaches "levels of synchronization" and that this phrase should be given broad interpretation. Specifically, the Examiner argues that Myer shows polling of devices with differing polling periods. However, the above recitation of claim 84 requires that these levels of synchronization are "supported among different subsets" of the network elements. The mere fact of varying time periods of polling does not teach or suggest supporting synchronization among different subsets. "Subsets" here

cannot be shown merely by varying time periods. In order to make a prima facie case, it is necessary to show some nexus between various subsets of network elements and synchronization. This is not shown by Myer. Instead, Myer only teaches that controller 36 is managing communications with several devices controlled by controller 36 and that the communications conflicts are prevented due to polling by controller 36. There is no suggestion that synchronization among <u>subsets of devices</u> is supported.

Applicant's independent claim 85 recites that "data is transferred using message packets, and wherein the message packets are aggregated into compact forms in the at least one node." **The Examiner has stated that Clare and Payton do not disclose aggregating data processed in a plurality of nodes for further processing by other nodes.** The Examiner refers to the same section of Myer describing polling as discussed above for claim 84. Myer does not teach or suggest any aggregation of message packets into compact forms by its description of polling. Instead, Myer merely describes obtaining the status of several devices—compacting or aggregation of this status information is not discussed by Myer. Therefore, claims 84 and 85 are believed allowable. Payton does not provide any support in presenting a prima facie case here.

Claims 15, 54, 101 and 102 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare-Payton in view of Davis et al. (U.S. Patent No. 5,742,829) (hereinafter Davis).

Applicant's claims 15 and 54 each depend, directly or indirectly, from independent claim 1, and are believed allowable for the reasons discussed above.

Applicant's independent claim 101 recites that "code and data anticipated for future use are predistributed through the sensor network using low priority messages." The Examiner has stated that Clare does not disclose distributing code and data anticipated for future use through the sensor network using low priority messages. The Examiner argues that Davis discloses a network that distributes code and data in the background. However,

Davis is solely focused on the automatic installation of software (e.g., providing of updates for new versions of an installed program) (see col. 2: lines 31).

Applicant's claim 101 recites "data anticipated for future use." But Davis does not discuss the predistributing of any <u>data</u>, and further does not suggest distributing "data anticipated for future use" since the sole focus and motivation of Davis is to ensure that software code is kept up-to-date. Further, Davis does not discuss a network coupled among a "monitored or controlled environment", so any data distributed would not correspond to <u>future use</u> in this type of network. Therefore, claim 101 is believed allowable.

Claims 19, 20 and 31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare-Payton in view of Makansi et al. (US 2002/0154631) (hereinafter Makansi).

Applicant's claims 19, 20, and 31 each depend, directly or indirectly, from independent claim 1, and are believed allowable for the reasons discussed above.

Claims 9, 22-24, 27 and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare-Payton in view of Humpleman et al. (U.S. Patent No. 6,546,419) (hereinafter Humpleman).
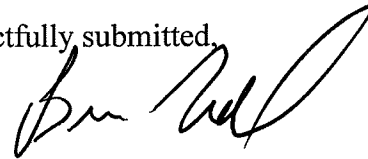
Applicant's claims 9, 22-24, 27 and 37 each depend, directly or indirectly, from independent claim 1, and are believed allowable for the reasons discussed above.

Applicant's other claims not explicitly discussed above depend, directly or indirectly, from Applicant's pending independent claims and are believed allowable for at least the reasons discussed above.

In light of the foregoing, Applicant submits that this application is presently not in good form for appeal (in part significantly due to the deficiencies of Payton), and

accordingly, these final rejections should be withdrawn. Applicant respectfully submits that the Examiner is not presenting a fully-developed prima facie case for the pending independent claims, and Applicant now respectfully requests their allowance.

Respectfully submitted,

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